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CIA Involved in Spy Court Case

Spying has become the big "in" thing in books, motion pictures and television. But a real life spy drama in the courts in Baltimore has weirder aspects than most of the demonology of espionage its creators are dreaming up on the fiction front.

For aside from the melodramatic and romantic aspects of the real life court case, it is raising fundamental questions about rights and privileges.

Eerik Heine, an Estonian emigre who has established a reputation as a freedom fighter, is suing Juri Raus, also an Estonian, for slander. Heine alleges that Raus, on three occasions, accused him of being a Communist and a Soviet agent. Raus denies making the statements at the times cited in the suit, but admits that he has called the plaintiff a Soviet agent or collaborator. Involved are Heine's claims for \$10,000 in compensatory damages and \$100,000 in punitive damages.

The involvement of the Central Intelligence Agency (CIA) in the case is what makes it unique and muddies the whole action. For Raus is an admitted CIA operative, a bona fide spy, they say, for our side. And, on at least one occasion, five CIA lawyers have tried to keep Raus from having to answer questions.

Further, the CIA has told the court: "When Juri Raus spoke concerning the plaintiff on the occasions about which the complaint is made, he was acting within the scope and course of his employment by the Agency on behalf of the United States."

Admittedly, much of the work of the Central Intelligence Agency is on the dull side and centers on humdrum research, a lot of it pedestrian and some quite shrewd. It's in its so-called "black" operations and its "Department of Dirty Tricks" that the CIA lays itself open to criticism. But in these areas the complaints

have been sharp and severe.

In recent years, the Agency has been blamed for a number of our blunders on the international scene — most dramatic, of course, being the disaster of the Bay of Pigs, for which the CIA supplied the intelligence. In fairness, it should be pointed out that the CIA, by the very nature of its activities, is prohibited from answering its critics or citing its successes, which, in the long run, probably outweigh its booboo's.

Numerous attempts have been made in Congress to put a shorter rein on "The Agency" — the only government entity given automatic capital letters in Washington conversation. The answer invariably is that the House Armed Services CIA subcommittee and the corresponding subcommittee of the Senate Armed Services Committee each maintains intimate and careful surveillance of espionage and counter-espionage activities.

Spying is always a dirty business and an embarrassing one for a democracy. But the slander suit trial in Washington raises basic questions. The Federal judge who is hearing the case has seemed several times on the verge of granting the defendant a summary judgment on his claim to absolute privilege.

Even in a completely open society, should the individual's rights to a good reputation jeopardize, as the judge has said, "the entire U. S. counter-espionage apparatus?" On the other hand, should an admitted counter-spy — who didn't bring up his CIA affiliation until a year after the court action was brought — be allowed the complete shield of a government immune to legal processes?

These questions deserve answers, as well as a more practical one: If Heine really is a Soviet agent, why hasn't he been arrested?